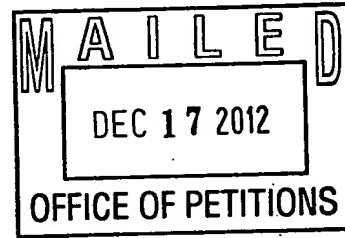




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Michael John Mikich
5130 W. Patrick Lane
Las Vegas, Nevada 89118

In re Patent No. 6,409,031
Issued: June 25, 2002
Application No.: 09/653,106
Filing Date: August 31, 2000
Attorney Docket No. **631 P 017**

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: REQUEST FOR INFORMATION
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This is a request for information in response to the petition under 37 CFR 1.378(b), filed September 24, 2012, to reinstate the above-cited patent.

Petitioner is allowed a non-extendable period for reply of **TWO (2) MONTHS** from the mailing date of this communication to provide a response. The response should be titled, "Response to Request for Information." If no response is provided within the period set forth, a decision will be made solely on the merits as set forth in the petition under 37 CFR 1.378(b) filed September 24, 2012. No additional fees are due.

The patent issued June 25, 2002. The 7.5 year maintenance fee could have been paid from June 25, 2009, through December 29, 2009, or with a surcharge, as authorized by 37 CFR 1.20(h), during the period from December 30, 2009, to June 25, 2010. Petitioner did not do so. Accordingly, the patent expired at midnight on June 25, 2010.

Petitioner is required to address the following points:

- A successful petition under 37 CFR 1.378(b) must affirmatively identify the cause of the delay in paying the maintenance fee and provide a statement from every person with first-hand knowledge of the circumstances surrounding the delay in paying the maintenance fee. Petitioner must provide statements from any person who may have been charged with paying the maintenance fee and statements from any person with first-hand knowledge of the circumstances surrounding the failure to pay the maintenance fees. This must include a statement from the trustee who was responsible for tracking and paying the maintenance fee at the time the patent expired and any other trustee since appointed. This may also include a statement from staff members at HyLoft, Inc. that may have knowledge of the need to pay maintenance fees and the method for tracking and paying the same.
- A grantable petition under 37 CFR 1.378(b) requires that petition establish that the entire delay—from the date the patent expired until the filing of a grantable petition—was unavoidable. 37 CFR 1.378(b)(3) sets forth that a petition submitted under this portion of the Code of Federal Regulations must include a showing which is described as follows:

A showing that the delay was unavoidable since reasonable care was taken to ensure that the maintenance fee would be paid timely and that the petition was filed promptly after the patentee was notified of, or otherwise became aware of, the expiration of the patent. Petitioner must, therefore, describe the steps that were in place to ensure that the maintenance fee was timely paid. This showing would include an explanation of who was responsible for paying tracking and paying the maintenance fee and the method this person, or entity, used for tracking the maintenance fee.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patent
 Mail Stop Petitions
 Box 1450
 Alexandria, VA 22313-1460

By facsimile: (571) 273-8300
 Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petition Attorney
Office of Petitions